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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,608	01/18/2006	Jean-Charles Hubinois	034299-630	9061
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EXAMINER				
EVANS, FANNIE L				
ART UNIT		PAPER NUMBER		
2877				
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04/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,608

**Applicant(s)**

HUBINOIS ET AL.

**Examiner**

F. L. Evans

**Art Unit**

2877

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 10 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 9, and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(c), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-3 , 5-7 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Snook (US 2,218,270) in view of Asakura et al (US 4,977,349), both of record.

Snook discloses an optical light collection system, this system being intended to collect light emitted by at least one light source (S) and to focus the collected light onto at least one light detection device (P), this system being characterized in that it comprises at least two mirrors, namely a first mirror (M) and a second mirror (M1), the first mirror (M) being capable of collecting light emitted by the light source and making the collected light converge onto the second mirror (lines 35-41 in the left hand column on page 2) , this second mirror (M1) being capable of making the light that it receives from the first mirror converge onto the light detection device (lines 56-65 in the left hand column on page 3), this system thus amplifying the light flux, being achromatic and having a low absorption for light, including

ultraviolet radiation (lines 54-65 in the left hand column on page 2 and lines 28-31 in the right hand column on page 2), and in that the system is provided with: a chamber (1 - lines 14-17 in the right hand column on page 2 and lines 26-35 in the right hand column on page 3), that is opaque to all light, including ultraviolet radiation, and in which the light source, the light detection device and the mirrors are placed and means of creating a vacuum in this chamber or filling it with a gas that is transparent to ultraviolet radiation (lines 1-17 in the right hand column on page 2). The mirrors are chosen from among spherical, parabolic and ellipsoidal mirrors (lines 35-41 in the left hand column on page 2). The mirrors are covered by a metallic deposit (lines 54-65 in the left hand column on page 2). Although Snook discloses the use of ultraviolet sources of radiation (lines 2 and 3 in the left hand column on page 2), the use of a luminescent discharge lamp is not specifically disclosed. Applicant's attention is directed to Snook in its entirety.

Asakura et al disclose a luminescent discharge lamp that emits radiation in the ultra-violet. See lines 34-47 in column 3 and lines 27-30 in column 4.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use any suitable ultra-violet radiation source in the optical light collection system of Snook in view of the disclosure in lines 31-33 in the right hand column on page 4 of Snook. The luminescent discharge lamp of Asakura et al would have been among such suitable sources of ultra-violet radiation. The result would not have been unexpected.

#### ***Response to Arguments***

Applicant's arguments filed on December 28, 2007 have been fully considered but they are not persuasive.

As set forth in the rejection of the claims, the mirrors relied on in the rejection of the claims are mirrors M and M1. Claim 1 only specifies that the first mirror is capable of collecting light emitted by light source and making the collected light converge onto the second mirror. The light coming from the

object/sample (O) is light that is received from the light source (S) via mirror C, diffraction grating D, mirror C1 and object/sample O.. Claim 1 does not specify that the first mirror receives light directly from the light source. Claim 1 allows intervening objects/optics between the light source and the first mirror.

With respect to the light source used, Snook teaches using any suitable light source in the system (lines 20-34 in the right hand column on page 4).

***Allowable Subject Matter***

Claim 12 is allowed over the prior art of record.

Claims 4, 8, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

.As to dependent claim 4, the prior art of record, taken alone or in combination, fails to disclose or render obvious the claimed invention for the reason set forth on page 4 of the previous Office action.

.As to dependent claim 8, the prior art of record, taken alone or in combination, fails to disclose or render obvious an optical light collection system in which an entry slit and the second mirror focuses light from the first mirror on the entry slit, in combination with the rest of the limitations of the claim.

.As to dependent claim 9, the prior art of record, taken alone or in combination, fails to disclose or render obvious an optical light collection system in which the light detection device is an optical spectrometric analysis device comprising an entry slit and the second mirror focuses light from the first mirror on the entry slit, in combination with the rest of the limitations of the claim.

.As to dependent claim 11, the prior art of record, taken alone or in combination, fails to disclose or render obvious an optical light collection system comprising at least one other mirror via which light coming from the second mirror is sent to the light detection device, in combination with the rest of the limitations of the claim.

.As to independent claim 12, the prior art of record, taken alone or in combination, fails to

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disclose or render obvious an optical light collection system wherein the first mirror is larger than the second mirror, in combination with the rest of the limitations of the claim.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Fax/Telephone Numbers***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/F. L. Evans/  
Primary Examiner  
Art Unit 2877**

March 30, 2008